

Louisville & Nashville Railroad Company

Benjamin D. Warfield,
District Attorney.

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Law Department for Kentucky and Virginia.

Louisville, Ky.,

Lexington, Ky., Aug. 4th, 1917.

Mr. A. M. Warren,
Chief Law Agent, Louisville, Ky.

Dear Sir,

W. H. Gillum Vs L & N R R Co.
Breathitt Circuit Court

On the 31st ult. the day that I wired you concerning this matter I saw that we were going to get into a trial of it at this term and that we were not going to be in position to put up much of a fight. We had tried to get Adams to continue it but he would not do it. Mr. Seargeant on the 1st inst. sent the Assistant Engineer to the ground and I got from him on the 2nd inst. the conditions there so far as he made notes of.

The facts in connection with this case are that in 1910 we purchased from this man right of way through his land. Mr. Pollard and Mr. G. W. Sewell being the Agents for the Company at the time. He was paid \$100. per acre for it and \$400. for the improvements on the land with the permission to remove the improvements himself and according to his story Mr. Pollard and Mr. Sewell agreed to fence one side of the right of way just as soon as the road was constructed. Mr. Pollard and Mr. Sewell say that they informed the old man when he inquired about fencing that the law required the railroad to fence one half of the right of way and that nothing was said about having 5 years in which to do that. The road was completed along this property I